

### **REMARKS**

Claims 1, 13, and 14 have been amended and claims 15-17 added herein. Upon entry of this amendment, claims 1, 4-7, and 13-17 will be pending in the above-identified application.

A Credit Card Payment Form is enclosed for payment of the fee for a one-month extension of time.

#### **Claims 1, 4-7, 13, and 14**

Applicants respectfully request reconsideration of the rejection of claims 1, 4-7, 13, and 14 under 35 U.S.C. § 103(a) as being unpatentable over EP 997960 (EP '960). As amended, each of claims 1, 4-7, 13, and 14 recites a secondary battery comprising a positive electrode, a negative electrode, and an electrolyte, wherein **a ratio (A/B) of a thickness A of the positive electrode mixture layer and a thickness B of the negative electrode mixture layer is 1.186 or more**; wherein **a charge capacity of the positive electrode is larger than the charge capacity of the negative electrode**.

EP '960 discloses a non-aqueous electrolyte secondary battery including a positive electrode 12 and a negative electrode 13. EP' 960 does not disclose or suggest positive and negative electrodes wherein a charge capacity of the positive electrode is larger than the charge capacity of the negative electrode.

Further regarding claims 1 and 4-7, EP '960 does not disclose or suggest a battery wherein, when a voltage of the battery is lower than an overcharge voltage of the battery during charging of the battery, light metal precipitates on a surface of the negative electrode after a charge capacity of the negative electrode has been exceeded.

Because the reference does not disclose or suggest every feature of the claims, the rejection is improper. Accordingly, applicants respectfully request the rejection be withdrawn.

Conclusion

As Applicant believes the application is in condition for allowance, a favorable action and a Notice of Allowance are respectfully requested.

If the Examiner desires, Applicant welcomes a telephone interview to expedite prosecution.

Respectfully submitted,

SONNENSCHN NATH & ROSENTHAL LLP

By: \_\_\_\_\_

Mickki D. Murray  
Reg. No. 56,846  
Customer No. 26263  
Telephone No. 314.259.5909

ATTORNEYS FOR APPLICANT